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## **LABOUR & EMPLOYMENT DEPARTMENT**

### **NOTIFICATION**

The 2nd September 2005

No. 7454-Ii/1 (SS)-33/03/LE.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 17th August 2005 in I.D. Case No. 27/03 of the Presiding Officer, Industrial Tribunal, Rourkela to whom the industrial disputes between the Management of M/s. Hindustan Trading Company, At/ Siraj Bhawan, Rourkela and its workman Md. Ibrahim was referred for adjudication is hereby published as in the schedule below:—

### **SCHEDULE**

**IN THE COURT OF THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, ROURKELA**

**INDUSTRIAL DISPUTE CASE No. 27 OF 2003**

**Dated the 17th August 2005**

*Present:*

Sk. Jan Hossain,  
Presiding Officer,  
Industrial Tribunal,  
Rourkela.

*Between:*

M/s. Hindustan Trading Company,  
At./ Siraj Bhawan, Rourkela,  
Dist. Sundargarh.

. . First party—Management

And

Md. Ibrahim,  
At./ Bisra, P.O. Rourkela,  
Dist. Sundargarh.

. . Second party—Workman

*Appearances:*

For the first party

. . None

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For the second party

. . In person

## AWARD

This is a reference made by the appropriate Government for decision of a dispute:

"Whether the termination of services of Md. Ibrahim with effect from 01-01-2000 by the Management of M/s. Hindustan Trading Company, Rourkela is legal and/or justified ? If not, what relief is Md. Ibrahim entitled to ?"

2. In the written statement the 1st party submitted that the reference is bad and not maintainable. The 2nd party workman joined as sales personnel from the year 1972 and continued till 1989. Thereafter he abandoned his service and again the joined in the year 2000. After the 2nd party attend the age of superannuation, he abandoned his service voluntarily. So he is not entitled to any relief.

3. In the statement of claim, the 2nd party has averred that the 1st party company is an 'Industry'. He was discharging the job of Salesman, Office Assistant, Billing Clerk and so on. But suddenly the Management terminated his service on 01-01-2000 illegally. Prior to termination he was not given notice. So termination is illegal. So he prays for reinstatement with back wages.

4. During hearing, the 1st party did not contest the case counter acting the allegation of 2nd party. So the 1st party was set *ex parte*.

5. The 2nd party examined himself as W.W.1. His claim appears true. No notice for his termination from service was given to him nor was there payment of his one month's pay in lieu of such notice.

6. Hence an award is passed *ex parte*. The 2nd party workman is entitled to reinstatement with full back wages.

Dictated and Corrected by me.

Sk. JAN HOSSAIN  
17-08-2005  
Presiding Officer,  
Industrial Tribunal,  
Rourkela.

Sk. JAN HOSSAIN  
17-08-2005  
Presiding Officer,  
Industrial Tribunal,  
Rourkela.

By order of the Governor

D.MISHRA  
Under-Secretary to Government